

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

Applicant again acknowledges with gratitude the allowance of claim 21 and the indication of allowable subject matter in claims 5, 9, and 16. However, for at least the reasons presented below, Applicant submits that all of the claims presently under consideration, as amended herein, are allowable.

Before turning to the Office Action, Applicant acknowledges with gratitude the personal interview conducted with the examiner and his supervisor on December 9, 2008. In view of the examiner's remarks at Office Action page 8, numbered paragraph 8 ("Response to Arguments"), Applicant proposed amending claim 1 to define the screen portion of the flexible inner sheet as being located *only* at the bottom portion of the bag. The examiner responded that the aforementioned claim feature "appears to differentiate the instant claims from the Rochat [U.S. Patent No. 5,269,924] device," since "Rochat teaches a flexible inner sheet having a screen that extends to the top of the bag" (Interview Summary, page 2).

Accordingly, in the present Amendment, claims 1, 10, and 18 have been amended. New dependent claim 22 has been added. Claims 1, 2, and 4-22 are now pending in the application, with claims 12-15 withdrawn from consideration as directed to a non-

elected invention. Claims 1, 18, and 21 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claim 1 has been amended to define the flexible inner sheet feature as having "a screen portion located only at a distal end thereof at a bottom portion of the bag." Support for the amended recitation is found in the disclosure at, for example, original specification page 4, lines 17-19, and page 5, lines 17-18, and in drawing Figures 1 and 8. Claim 18 has been amended in a manner that parallels the amendment of claim 1.

Claim 10 has been amended to even more specifically define the function of the screen portion. Instant claim 10 defines that screen portion as "includ[ing] a filter to retain undissolved powdered solute *in the first chamber.*"

New dependent claim 22 has been added in response to a suggestion made by the examiner's supervisor during the interview. (In short, the suggestion was to define the remaining portion of the flexible inner sheet other than the screen portion as having a construction that is different from the screen portion.) Accordingly, claim 22 recites that "a remaining portion of the flexible inner sheet other than the screen portion has a construction that prevents the solvent from flowing from the first chamber to the second chamber."

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a)

Each of the rejections under 35 U.S.C. § 103(a) is respectfully deemed to be obviated. As indicated above, instant claim 1 defines the flexible inner sheet feature as having "a screen portion located only at a distal end thereof at a bottom portion of the bag." As pointed out in Applicant's reply filed June 24, 2008, Rochat's double-chambered bag is structurally different from Applicant's claimed bicompartiment bag. Applicant's claimed flexible inner sheet feature has a screen portion located only at a distal end of the inner sheet at the bottom portion of the bag. This means that the screen portion does not extend to the proximal end of the inner sheet at the top portion of the bag.

In contrast, Rochat simply discloses "a filtration internal wall 12, whose flat shape is identical to that of the walls of the bag 10" (column 2, lines 40-42). Rochat teaches that "[t]his filtration wall is preferably *constituted by a netting* made of 'Nylon' having meshes between 100 et 1000 microns, preferably about 300 microns, and divides the inside of the bag 10 into two rooms 13,14 of equal volume" (column 2, lines 43-47). Therefore, as is evident from the above-quoted description and from Rochat's Figure 1, the netting portion of Rochat's filtration internal wall covers the *whole* filtration sheet. This distinction between

Rochat's apparatus and Applicant's claimed bicompartement bag is an important one. That is because with Rochat's wall made entirely of netting, the incoming solvent would be *short circuited* to the second chamber in the upper portion of the bag before dissolving the solute therein.

Since Rochat is the primary reference in each of the rejections under § 103(a) -- claims 1, 2, 6, 7, and 11 as being unpatentable over Rochat in view of FR 2,766,797 to Laffay et al. (hereinafter "Laffay"); claims 4 and 10 as being unpatentable over Rochat in view of Laffay, and further in view of U.S. Patent No. 5,616,305 to Mathieu; and claims 8 and 17-20 as being unpatentable over Rochat in view of Laffay, and further in view of U.S. Patent Application Pub. No. 2002/0030002 of Verkaart et al. ("Verkaart") -- each of these rejections is respectfully deemed to be obviated.

The combined disclosures of the cited references would not have rendered obvious Applicant's presently claimed invention because the disclosures of the additional references do not rectify any of the above-described deficiencies of Rochat.

Furthermore, for the reasons articulated in Applicant's previous replies, there is simply no teaching in any of the references that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicant's presently pending claims.


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Therefore, the various combinations of references would not have rendered obvious the embodiments of the invention defined by any of Applicant's presently pending claims.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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